



Docket 17310 (BOT)

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)
STEPHEN DONOVAN)
Serial No.: 09/371,354)
Filed: August 10, 1999)
For: INTRAPERICARDIAL)
BOTULINUM TOXIN TREATMENT)
FOR BRADYCARDIA)
_____)

Examiner: B. Bunner

Group Art Unit: 1647

Irvine, California

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AMENDED RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, DC 20231

This Amended Response to Office Action amends the title of the specification (see pages 2-3 below) and amends the claims (see pages 3-4 and 26-28 below). Please enter these amendments to the title and to the claims.

I. The July 16, 2002 Office Communication

Applicant has received a July 16, 2002 Communication from the Patent Office with an attached one page "Notice of Non-Complaint Amendment" (the "Notice") regarding the Response to Office Action mailed by applicant on April 29, 2002, in response to the February 25, 2002 office action. The Notice does not indicate or state what the alleged non-compliance aspect is with regard to applicant's April 29, 2002 response.

A telephone call to Examiner Bunner on July 22, 2002 led to a return voice mail message from the Examiner on July 23, 2002, and a telephone conversation on the same day between the Examiner and the undersigned. These discussions determined that the changes needed to applicant's April 29, 2002 response are to: (a) delete pages 24-27 from the April 29, 2002 response, since the request to amend to title of the specification, as set forth on page 3 of the April 29, 2002 response, is by itself sufficient to amend the title of the specification; (b) place parentheticals in the claims (i.e. "twice amended") to show how many times the claims have been amended, and; (c) state explicitly at the beginning of the response that the title of the specification has been and that claims have been amended and request entry of these amendments.

The Examiner told me during our telephone conversation on July 23, 2002, that it is not necessary for applicant to submit again the RCE request that was submitted by applicant with the April 29, 2002 Response to Office Action.

Attached is a copy of the entire Response to Office Action as mailed by applicant to the Office on April 29, 2002.

The July 16, 2002 Notice of Non-Complaint Amendment has been complied with by submission of this Amended Response to Office Action. Thus: (a) former Response pages 24-27 have been deleted from this amended Response to Office Action and the request to amend to title of the specification is set forth on pages 2-3 of this amended response; (b) parentheticals have been placed in the amended claims – see pages 27-28 of this amended response, and; (c) it is explicitly stated at the beginning of this amended response that the title of the specification has been amended and that claims have been amended, and a request is made for the entry of these amendments.